

## REMARKS

### Summary

Claims 1-3, 5-12, and 14-30 are pending. Claims 1, 10, and 20-25 are amended, and claims 26-30 are added. No new matter is added.

### Claim Rejections Under 35 USC 112, First Paragraph

Claims 1-3, 5-12, and 14-25 are rejected under 35 USC 112, first paragraph. The objectionable language has been removed from the claims to clarify the meaning of the claims. Thus, Applicants respectfully request reconsideration and withdrawal of the rejection.

### Claim Rejections Under 35 USC 112, Second Paragraph

Claims 1-3, 5-12, and 14-25 are rejected under 35 USC 112, second paragraph. The objectionable language has been addressed to clarify the meaning of the claims. Thus, Applicants respectfully request reconsideration and withdrawal of the rejection.

### Claim Rejections Under 102(e)

Claims 1-3, 5, 6, 10-12, 14, 15, 20, and 21-25 are rejected under 35 USC 102(e) as being unpatentable over US Patent No. 6,717,915 to Liao (Liao). Applicants respectfully traverse the rejection in light of the amendments to the claims and the remarks below.

Claim 1 recites a method comprising attempting by a client to access a shared resource; detecting by the client that the shared resource is unavailable; determining by the client a first back off interval for the client to delay before reattempting to access the shared resource; successfully accessing the shared resource by the client, upon expiration of the first back off interval; and determining by the client, based on the successful access of the shared resource by the client, a second back off interval for

the client to delay before reattempting to access the shared resource after said successful access. Liao fails to teach or suggest all the features of claim 1 as presented above.

Liao provides a method for dynamically adjusting the timing parameters in a data network. The timing parameters may include values for implementing back off for retransmission attempts. However, in Liao, such a back off is in every instance based on an unsuccessful attempt or an unsatisfactory transmission.

Claim 1 recites a first back off interval established based on the determination that the shared resource is unavailable, and then once access to the shared resource is successful, a determination of a second back off interval based on the successful access. The second back off interval thus sets the time before which a successful attempt may be followed by another attempt by the same client to access the same shared resource. Therefore, the first back off interval and the second back off interval in claim 1 differ in that the first back off interval is based on an unsuccessful attempt to access the shared resource, and the second back off interval is based on the successful access of the shared resource. It is this shift that provides for the desired control of the access of the shared resource.

Liao on the other hand simply adjusts the first back off interval based on unsuccessful or unsatisfactory attempts to transmit data. Liao describes in detail the utilization of various data to determine the optimal back off interval, but at no point describes the establishment of a second back off interval based on a successful access of a shared resource as recited in claim 1.

Therefore, Liao clearly fails to teach or suggest at least one element of claim 1, and thus claim 1 is patentable over Liao. Applicants thus respectfully request reconsideration and withdrawal of the rejection.

Claims 10, 20, 21, and 22 contain, in part, similar language to claim 1, and thus are patentable over Liao for at least the reasons discussed above with respect to claim 1.

Claims 2-3, 5-9, 11-12, 14-19, and 23-30 are dependent, directly or indirectly, on claims 1, 10, 20, 21, and 22, incorporating their features respectively, and thus are patentable over Liao for at least the reasons discussed above.

**Claim Rejections Under 35 USC 103(a)**

Claims 7-9 and 16-18 are rejected under 35 USC 103(a) as being unpatentable over Liao in view of US Patent No. 6,185,184 to Mattaway (Mattaway). Claims 7-9 and 16-18 depend, directly or indirectly, on claim 1 or claim 10, incorporating the features of claims 1 and 10, respectively. Therefore, as claims 1 and 10 are patentable over Liao, so are claims 7-9 and 16-18, by virtue of at least their dependency. Since Mattaway does not remedy the above discussed deficiencies of Liao, claims 7-9 and 16-18 are patentable over Liao alone or in combination with Mattaway.

**Conclusion**

In view of the foregoing, Applicant respectfully submits that claims 1-3, 5-12, and 14-30 are in condition for allowance, and early issuance of the Notice of Allowance is respectfully requested.

If the Examiner has any questions, he is invited to contact the undersigned at (503) 796-2844. Please charge any shortages and credit any overages to Deposit Account No. 500393.

Respectfully submitted,  
SCHWABE, WILLIAMSON & WYATT, P.C.

  
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Steven J. Prewitt  
Registration No. 45,023

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Pacwest Center, Suite 1900  
1211 SW Fifth Avenue  
Portland, Oregon 97204  
Telephone: 503-222-9981